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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,014	02/21/2002	Michael Wayne Brown	AUS920010845US1	1216
43307	7590	12/20/2005	EXAMINER	
IBM CORP (AP) C/O AMY PATTILLO P. O. BOX 161327 AUSTIN, TX 78716			AGDEPPA, HECTOR A	
			ART UNIT	PAPER NUMBER
			2642	

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/081,014	<b>Applicant(s)</b> BROWN ET AL.	
	<b>Examiner</b> Hector A. Agdeppa	<b>Art Unit</b> 2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-37, 40-42 and 45-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 and 12-36 is/are allowed.
- 6) ☒ Claim(s) 37, 40-42 and 45-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

1. This action is in response to applicant's amendment filed on 10/01/2005. Claims 1 – 10, 12 – 37, 40 – 42, and 45 - 47 are now pending in the present application. **This action is made final.**

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 37, 40 – 42, and 45 – 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2002/0080950 (Koko et al.) in view of US 6,650,736 (Unger et al.)

As to claims 37, 42, and 47, Koko et al. teaches a method and system for monitoring service transactions in a variety of environments and communication systems, wherein a second party to a call is requested to rank a first party to a call and

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that rating is stored in association with the first party. It is inherent that the identity of the first party is detected because no client record which could include prior client interactions could be kept unless the client's identity is determined at least at the beginning of each interaction, call etc. (Abstract, Fig. 1, P. 1, ¶ 0005 – P. 2, ¶ 0017, P. 2, ¶ 0024 – P. 3, ¶ 0039, P. 4, ¶ 0045 – 0046, 0052, P. 5, ¶ 0061 – 0063 of Koko et al.)

Note that Koko et al. teaches that both a client and agent can rate each other and so either can read on the claimed first or second parties. Note also that in such environments such as telemarketing situations, call centers, etc., a client can call into a call center or can make a call to an agent requesting some service or information, i.e., callee, and an agent can make an outbound call to a client or potential client hoping to gain business, i.e., caller. Finally, system 100 of Koko et al. as seen in Fig. 1 and described on P. 1, ¶ 0014 – P. 2, ¶ 0029 indicate that computers, processors, and like elements are used. Because for any computer, programs are required to operate the computers, processors, etc., it is inherent that recording mediums are present and used as claimed wherein the recording medium is any memory upon which the recorded means or program is stored. Koko et al. has been discussed above. What Koko et al. does not specifically teach is receiving a rating determined by a context rating service functioning within or outside a trusted telephone network.

What Koko et al. does not specifically teach is receiving a rating determined by a context rating service functioning within or outside a trusted telephone network.

However, interpreted in one manner, the system of Koko et al. could merely function as a separate rating system for another call center. As is well known in the

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telecommunications industry, different lines can be drawn regarding the boundaries of telephone networks as well as different partnerships or agreements between providers, making functioning inside or outside trusted networks an obvious design choice or preference as well. Such a limitation as claimed merely has to do with the organization of telephony or communications networks upon which the invention of Koko et al. or another call center system would reside in. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to receive ratings from a service inside or outside a trusted network wherein packet switching networks are connected to a secure gateway. Such elements are almost standard in telephony and data networks and as is known, call centers must have access to all such elements to provide their services.

Alternatively, as discussed above, Koko et al. inherently teaches determining a client's identity for example. Unger et al. teaches a method and system for performing third party verification using a scoring system to deny or confirm verification. (Abstract, Fig. 1 – 4, Col. 1, lines 11 – 45, Col. 2, lines 1 – 45, Col. 3, lines 16 – 49, Col. 4, line 5 – Col. 6, line 54 of Unger et al.) It would have been obvious to combine Koko et al. and Unger et al. inasmuch as Unger et al. would merely provide the third party rating for verification of clients calling into the call center monitoring system of Koko et al. Also note that in any third party service scheme, as would be the case with Unger et al. and Koko et al., identifying the authenticating device is inherent as it would be needed so that the authentication could be processed.

Koko further teaches storing previous client history and data together, wherein such data could include, as discussed above, agent rankings regarding the client's ease of sale, past complaints, location, etc. (P. 4, ¶ 0046 of Koko et al.) And Koko et al. teaches storing the above-discussed rankings in association with the second party, i.e., using the stored client rankings to group and classify agents suitable for serving the client for example, the matching of client and agent being the claimed association. (P. 4, ¶ 0045 – 0046 of Koko et al.) Koko et al. also teaches that client responses / rankings as well as agent's responses / rankings / reports may both be stored or associated with the client's record, not only client rankings with client records and agent rankings with agent records. (P. 6, ¶ 0067 – 0068, ¶ 0073 of Koko et al.)

Note that context of a call may be read as identity of either the agent or client, which then would make the storage of rankings in association with a client's or agent's identity inherent inasmuch as the different clients and agents in the client and agent record databases would have to be differentiated by identity or else storing such rankings would be useless. Moreover, certain clients depending on certain rankings could be slated for client feedback and are in turn, placed in a client list 156, indicating context for call interpreted in a different manner. (P. 3, ¶ 0031 – P. 4, ¶ 0043 of Koko et al.)

Finally, Koko does not discuss specifically the type of authentication used, although it is inherent or obvious that authentication / authorization is made because there would be no way to access a client's information or rankings, etc. unless this was done. Note that some systems distinguish between authentication and authorization

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and even verification, wherein authentication is a way of determining whether the authenticatee is actually who he/she claims to be. However, there would be no purpose for this except as a front-end process to authorization or verification and therefore such processes are inter-related. Therefore, as voice or other biometric authentication is extremely old and well known, it would have been obvious to use such a type of authentication in the system of Koko et al. and Unger et al. to one of ordinary skill in the art inasmuch as voice authentication is merely one of a plurality of known methods for accomplishing authorization / verification, which as discussed above would be necessary in Koko et al. and Unger et al.

As to claims 40, 41, 45, and 46, see the rejection of 37 above. Further note that the rankings and scores given by clients and / or agents are used by other personnel, read as the claimed subsequent and independent party, for following up with a client or in defending a company against a client, as well as a monitoring module 125 which is used for rating, grouping, matching agents, etc. reading on the claimed party to at least one portion of the context of the call.

Of course, such ranking information must be retrievable in order for it to be utilized as discussed already. And if such information is retrievable, it is inherently output at some point. Of course, outputs in call centers are notoriously old and well known as being either audio, visual, or even both as many agents employ GUI-based workstations that have telephony capabilities or use both workstations and actual telephony devices. Also, controlling its output is inherent because in one sense, such information would not be output for anyone to hear or see inasmuch as some of the

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above-discussed information may be sensitive and only useful to agents or the company or system that desires to perform the monitoring. Interpreted differently, controlling output must be done inasmuch as Koko et al. teaches utilizing a plurality of communication methods including standard voice telephony, email, live chat over IP, voice over IP, etc. As such, the system would have to control the output so that the proper method was used. (P. 2, ¶ 0017 – 0021 of Koko et al.) Note of course that any telephony device in a call center for example would be controlled by the system and so at least indirectly, it would be the receiving telephony device that controlled output. It could even be as simple as an agent turning up the volume of an audio message indicating rating or other information – this signifies control.

### ***Allowable Subject Matter***

3. Claims 1 – 12 and 13 - 37 are allowed.

### ***Response to Arguments***

4. Applicant's arguments filed 10/01/05 have been fully considered but they are not persuasive.

As to applicant's arguments regarding now-canceled claims 38, 39, 43, and 44, the limitations added to claims 37, 42, and 47 are derived from those now-canceled claims. Because examiner rejected those claims using a secondary reference, examiner is re-applying that reference in the above rejection. Applicant never addressed the Unger et al. reference even though it was used to reject the claims,



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whose limitations are now in independent claims 37, 42, and 47. And because applicant never addressed the reference, examiner does not need to refute any arguments.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number is 571-272-7480. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hector A. Agdeppa  
Examiner  
Art Unit 2642

H.A.A.  
December 12, 2005

*Harry S. Hong*  
HARRY S. HONG  
PRIMARY EXAMINER  
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